

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STEPHEN WAYNE ANDERSON,

Petitioner-Appellant,

v.

ARTHUR CALDERON, Warden,

Respondent-Appellee.

No. 98-99024

D.C. No. CV-92-00488-JGD

ORDER

Before: TROTT, FERNANDEZ, and McKEOWN, Circuit Judges.

Petitioner Anderson has filed with this Court a series of emergency motions asking to reopen this case and to rehear en banc certain claims, all of which relate to our recent opinion in *Mayfield v. Woodford*, 270 F.3d 915 (9th Cir. 2001).

Anderson asserts that our en banc court's adverse treatment in *Mayfield* of the performance of Anderson's trial attorney, Donald Ames, casts doubt on our November 17, 2000, decision in this case regarding whether Mr. Ames provided ineffective assistance of counsel to petitioner Anderson. We concluded that Mr. Ames's and his co-counsel's representation of Mr. Anderson did not violate the Sixth Amendment. We then considered a petition to rehear the matter en banc, and the Court voted not to rehear it.

On June 6, 2001, we granted Anderson's motion to stay the mandate until final disposition of his petition for a writ of certiorari to the United States Supreme Court. On November 13, 2001, the Supreme Court issued its order denying Anderson's petition. *See Anderson v. Calderon*, 122 S.Ct. 580 (2001). We received formal notification from the Supreme Court of this denial on November 19, 2001.

The panel has voted to deny the emergency renewed petition for rehearing and to deny the petition for rehearing en banc.

The full court was advised of the petition for rehearing en banc. An active judge requested a vote on whether to rehear the matter en banc. The matter failed to receive a majority of the votes of the nonrecused active judges in favor of en banc consideration. *See Fed. R. App. P. 35 (b)*.

The emergency renewed petitions for rehearing and for rehearing en banc are DENIED.

The mandate previously withheld shall issue forthwith. *See Fed. R. App. P. 41(d)(2)(D)*. No further matters remain pending before this Court.